
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JM4 TACTICAL, LLC; and JAMES
CHADWICK MYERS,
Plaintiffs,

v.

HER TACTICAL, LLC; E & R LLC d/b/a
HER TACTICAL; VICKY ARLENE
JOHNSTON; and BLAKE CHEAL,

Defendants.

**PATENT CASE STIPULATED
AMENDED SCHEDULING ORDER**

Case No. 1:22-cv-00121

District Court Judge Ann Marie McIff Allen

Magistrate Judge Dustin B. Pead

Pursuant to the Court's April 10, 2024 Order (ECF No. 128) the parties have filed the following stipulated proposed amended scheduling order. Upon review the Notice of Termination of Automatic Bankruptcy Stay and Motion for Amended Scheduling Order is GRANTED (ECF No. 126). Consistent therewith, the Court schedules the following matters. The parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

**ALL DEADLINES ARE SET FOR 11:59 P.M. ON THE DATE INDICATED UNLESS
EXPRESSLY STATED TO THE CONTRARY**

- | 1. | PRELIMINARY MATTERS/DISCLOSURES | DATE |
|-----------|---|-------------|
| h. | Final Infringement Contentions [LPR 3.1] | 6/13/25 |
| i. | Final Unenforceability and Invalidity Contentions [LPR 3.1] | 6/27/25 |
| j. | Final Non- Infringement, [LPR 3.2] | 7/11/25 |

2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum number of depositions ¹ by Plaintiff(s)	10
b.	Maximum number of depositions ² by Defendant(s)	10
c.	Maximum number of hours for each deposition (unless extended by agreement of parties)	7
d.	Maximum interrogatories ³ by any party to any party	25
e.	Maximum requests for admissions by any party to any party	75
f.	Maximum requests for production by any party to any party	75

The Parties shall handle discovery of electronically stored information as follows:

- g. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: *Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).*

The Parties agree to be bound by the Standard Protective Order of the District of Utah, https://www.utd.uscourts.gov/sites/utd/files/Standard_Protective_Order.pdf

		DATE
h.	Deadline to serve written discovery before claim construction [R. 34]:	7/11/25
i.	Close of fact discovery before claim construction [LPR 1.3(a)]:	8/22/25
j.	Disclosure of intent to rely on opinions of counsel and materials in support [LPR 1.3(c)]:	7 days after CC ruling
k.	Deadline to file motion for additional discovery [LPR 1.3(b)]:	14 days after CC ruling

4.	CLAIM CONSTRUCTION PROCESS	DATE
a.	Parties exchange proposed claim terms and claim constructions for construction [LPR 4.1(a)]	7/25/25
b.	Reach agreement to submit no more than 10 terms for construction [LPR 4.1(b)]	8/1/25

¹ Excluding depositions of experts.

² Excluding depositions of experts.

³ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions counts as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged. A party may object to the time of discovery as set forth in LRP 1.7.

c.	Parties file Cross-Motions for Claim Construction and Joint Appendix [LPR 4.2(a) & (b)]	8/29/25
d.	Parties file Simultaneous Responsive Claim Construction Briefs [LPR 4.2(c)]	9/19/25
e.	Joint Claim Construction Chart & Joint Status Report Due [LPR 4.2(f)]	10/10/25
f.	Tutorial for Court [LPR 4.5]	2:30 p.m. 10/17/25
g.	Parties exchange exhibits [LPR 4.3]	10/17/25
h.	Claim Construction Hearing ⁴ [LPR 4.3]	TBD
5.	EXPERT DISCOVERY	DATE
a.	Parties bearing burden of proof [LPR 5.1(b)]	28 days after CC ruling
b.	Counter disclosures:	42 days after CC ruling
c.	Counter reports [LPR 5.1(c)]	42 days after CC ruling
d.	Close of expert discovery [LPR 5.2]	87 days after CC ruling
6.	DISPOSITIVE MOTIONS	DATE
a.	Deadline to file dispositive motions required to be filed with claim construction [LPR 6.2]	8/29/25
b.	Deadline to file opposition to dispositive motions filed with claim construction [LPR 6.2]	9/19/25
c.	Deadline to file reply to dispositive motions filed with claim construction [LPR 6.2]	10/3/25
d.	Deadline for filing dispositive or potentially dispositive motions [LPR 6.1]	119 days after CC ruling
e.	Deadline for filing partial or complete motions to exclude expert testimony	105 days after CC ruling
7	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/ OTHER PROCEEDINGS	DATE
a.	Likely to request referral to a Magistrate Judge for settlement conference:	Yes/ <input checked="" type="checkbox"/> No
b.	Likely to request referral to court-annexed arbitration:	Yes/ <input checked="" type="checkbox"/> No
c.	Likely to request referral to court-annexed mediation:	Yes/ <input checked="" type="checkbox"/> No

⁴ Parties should contact the Court to set the date for the Claim Construction Hearing

f. Evaluate case for Settlement/ADR

7 days after CC
ruling
Poor

g. Settlement probability:

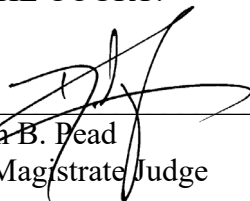
Plaintiff is directed to file a new scheduling order within 14 days of ruling on claim construction. The Court will set trial deadlines in that order or through a case management conference.

8. OTHER MATTERS

All Motions in Limine should be filed well in advance of the Final Pretrial Conference.

Signed: April 14, 2025.

BY THE COURT:



Dustin B. Pead
U.S. Magistrate Judge